

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1812

IN THE MATTER OF:

Served March 6, 1978

Application of DAWSON'S CHARTER)
SERVICE, INC., to Amend Certificate)
of Public Convenience and Necessity)
No. 9 - Additional Intermediate)
Points)

Application No. 1029

Docket No. 402

Dawson's Charter Service, Inc. (Dawson's), holds Certificate of Public Convenience and Necessity No. 9 which authorizes, inter alia, operations over a described regular route extending between Washington, D. C., and Montgomery Village, Md., serving specified intermediate points in Montgomery County, Md.

By application (letter) filed November 25, 1977, Dawson's seeks to amend Certificate No. 9 to allow service at intermediate points located on that part of Wisconsin Avenue extending between the National Institutes of Health (NIH), Bethesda, Md., on the north, and the Montgomery County, Md.-District of Columbia line on the south. By Order No. 1792, served January 3, 1978, a public hearing was scheduled. No protests to the application were filed.

Hearing was held on February 15, 1978. Dawson's president testified that, prior to filing this application, he had believed that Certificate No. 9 included the authority sought. Accordingly, approximately 10 to 12 persons a day were being transported to and from the sought intermediate points. Dawson's desires to reinstitute this service for the convenience of these passengers.

Applicant currently operates four buses a day over the subject regular route. Buses depart Montgomery Village in the morning to transport commuters to NIH and points in the District of Columbia. In the evening, the service is reversed. Should this application be granted, the proposed intermediate points would be destinations only for morning service and points of origin only for evening service. No additional equipment is required, and Dawson's submitted evidence indicating its financial fitness to continue rendering regular-route service.

A representative of Montgomery Village Foundation, Inc., testified that approximately 15 people require the proposed service, and that Dawson's service to date has been satisfactory. No other carrier is available to provide this service.

Title II, Article XII, Section 4(b) of the Compact provides that an application for new authority may be granted upon a showing that the service is required or will be required by the public convenience and necessity and that the applicant is fit, willing and able properly to perform said service and to comply with the provisions of the Compact and the Commission's regulatory requirements thereunder.

Applying these criteria to the evidence of record, we find that Application No. 1029 should be granted. There exists a public need for the service that is not being met by any other carrier, and Dawson's is fit, financially and otherwise, to provide such service.

Since Dawson's certificate must be amended as a result of this proceeding, it will be convenient for us to effect two other changes unrelated to this proceeding, and we shall do so. These have been brought before us by the D. C. Department of Transportation.

The first is a change of the southbound routing between 21st Street and Massachusetts Avenue, N. W., and 21st Street and New Hampshire Avenue, N. W. The second is a correction necessitated by a left turn restriction from Pennsylvania Avenue into H Street, N. W. These changes are agreeable to Dawson's.

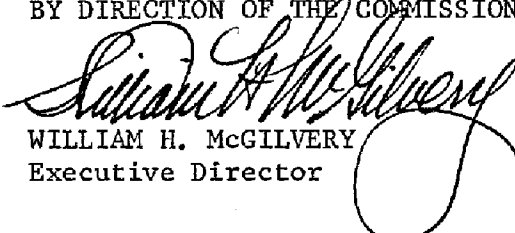
THEREFORE, IT IS ORDERED:

1. That Application No. 1029 of Dawson's Charter Service, Inc., be, and it is hereby, granted.

2. That upon the filing of an appropriate WMATC Tariff No. 2, Supplement No. 3, indicating the expanded territory to be served, said tariff to be effective upon acceptance by the Executive Director, an appropriately revised Certificate of Public Convenience and Necessity No. 9 shall be issued.

3. That in the event Dawson's Charter Service, Inc., fails to file said appropriate WMATC Tariff No. 2, Supplement No. 3, within 30 days from the date of service hereof, the grant of authority made herein shall be null and void and the said application shall stand denied in its entirety effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

Issued April 4, 1978
Pursuant to Order No. 1812

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NO. 9*

DAWSON'S CHARTER SERVICE, INC.

SANDY SPRING, MARYLAND

By Order Nos. 326, 1304, 1559, 1767 and 1812 of the Washington Metropolitan Area Transit Commission issued November 8, 1963, February 21, 1974, May 21, 1976, November 10, 1977, and March 6, 1978;

AFTER DUE INVESTIGATION, it appearing that the above-named carrier is entitled to receive authority from this Commission to engage in the transportation of passengers within the Washington Metropolitan Area Transit District as a carrier, for the reasons and subject to the limitations set forth in Order Nos. 326, 1304, 1559, 1767 and 1812;

THEREFORE, IT IS ORDERED, that the said carrier be, and it is hereby, granted this certificate of public convenience and necessity as evidence of the authority of the holder to engage in transportation as a carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be, attached to the exercise of the privilege herein granted to the said carrier.

IT IS FURTHER ORDERED that the transportation service to be performed by the said carrier shall be as specified below:

PART A

IRREGULAR ROUTES:

Passengers and their baggage, and express, in the same vehicle with passengers:

CHARTER OPERATIONS, round-trip,

From points in Montgomery County, Maryland, to points in Montgomery County, Maryland, Prince George's County, Maryland, and Washington, D. C., and return.

PART B

REGULAR ROUTES:

Passengers and their baggage, and express and newspapers in the same vehicle with passengers between points in Washington, D. C., and Montgomery County, Maryland:

- (1) From junction Maryland Highway 28 and Maryland Highway 124, then over Maryland Highway 124 to Quince Orchard Road, then over Quince Orchard Road to Maryland Highway 355, then over Maryland Highway 355 to Montgomery Village Road, then over Montgomery Village Road to Stedwick Road, then over Stedwick Road to Montgomery Village Shopping Center roadways, then over Montgomery Village Shopping Center roadways to Centerway Road, then over Centerway Road to Montgomery Village Road, then over Montgomery Village Road to Interstate Highway 270, then over Interstate Highway 270 to Wisconsin Avenue (U.S. Highway 240), then over Wisconsin Avenue to the Maryland-District of Columbia line, and return over the same route.
- (2) From the Maryland-District of Columbia line over Wisconsin Avenue, N. W., to Massachusetts Avenue, then over Massachusetts Avenue to 20th Street, then over 20th Street, to New Hampshire Avenue, then over New Hampshire Avenue to 21st Street, N. W., then over 21st Street to Pennsylvania Avenue, then over Pennsylvania Avenue to New York Avenue, then over New York Avenue to H Street, N. W., then over H Street to 13th Street, N. W., then over 13th Street to Pennsylvania Avenue, then over Pennsylvania Avenue to Constitution Avenue, then over Constitution Avenue to Louisiana Avenue, then over Louisiana Avenue to 1st Street, N. W., then over 1st Street to junction E Street, N. W., then over E Street to Bellevue Hotel, 15 E Street, N. W., Washington, D. C.
- (3) From Bellevue Hotel over E Street, N. W., to 1st Street, N. W., then over 1st Street to Louisiana Avenue, then over Louisiana Avenue to Constitution Avenue, then over Constitution Avenue to Pennsylvania Avenue, then over Pennsylvania Avenue to 12th Street, N. W., then over 12th Street to H Street, N. W., then over H Street to New York Avenue, then over New York Avenue to Pennsylvania Avenue, then over Pennsylvania Avenue to 22nd Street, N. W., then over 22nd Street to Massachusetts Avenue, then over Massachusetts Avenue to Wisconsin Avenue, then over Wisconsin Avenue to the District of Columbia-Maryland line.

JOINDER: Route (1) shall be joined with Route (2) for the purpose of providing through southbound service. Route (1) shall be joined with Route (3) for the purpose of providing through northbound service.

RESTRICTIONS: (a) Passengers may board and alight only at points on Maryland Highway 124, Quince Orchard Road, Montgomery Village Road and those points within the subdivision of Montgomery Village, Gaithersburg, Maryland; (b) Passengers may board at National Institutes of Health and those points south of National Institutes of Health located on Route (3) for northbound service only; and (c) Passengers may alight at National Institutes of Health and those points south of National Institutes of Health located on Route (2) for southbound service only.

AND IT IS FURTHER ORDERED and is made a condition of this certificate that the holder thereof shall render reasonable, continuous and adequate service to the public in pursuance of the authority granted herein, and that failure so to do shall constitute sufficient grounds for suspension, change or revocation of this certificate.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director

- * This certificate cancels and supersedes Certificate of Public Convenience and Necessity No. 9, reissued by Order No. 1767, served November 10, 1977.